

This instrument was prepared by:  
Clayton T. Sweeney, Esquire  
2700 Highway 280 East  
Suite 290E  
Birmingham, AL 35223

Send Tax Notice to:  
Eddleman Properties, Inc.  
2700 Highway 280 East  
Suite 325  
Birmingham, Alabama 35223

**STATUTORY WARRANTY DEED**

STATE OF ALABAMA )  
COUNTY OF SHELBY )

66, use  
KNOW ALL MEN BY THESE PRESENTS, that in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, paid to the undersigned grantor, **AMSOUTH BANK OF ALABAMA**, a state chartered bank (formerly known as **AMSOUTH BANK, N.A.**, a national banking association), as **ANCILLARY TRUSTEE** for **FIRST UNION NATIONAL BANK** of NORTH CAROLINA, a national banking association, as **TRUSTEE** for the **PUBLIC EMPLOYEES RETIREMENT SYSTEM** of OHIO, in hand paid by Grantee named herein, the receipt of which is hereby acknowledged, the said **AMSOUTH BANK OF ALABAMA**, a state chartered bank (formerly known as **AMSOUTH BANK, N.A.**, a national banking association), as **ANCILLARY TRUSTEE** for **FIRST UNION NATIONAL BANK** of NORTH CAROLINA, a national banking association, as **TRUSTEE** for the **PUBLIC EMPLOYEES RETIREMENT SYSTEM** of OHIO (hereinafter referred to as "Grantor") does by these presents, grant, bargain, sell and convey unto **EDDLEMAN PROPERTIES, INC.**, an Alabama Corporation (hereinafter referred to as "Grantee"), the following described real estate (the "property"), situated in Shelby County, Alabama, to-wit:

Lot 1121, 1134 and 1142, according to the survey of Brook Highland, 11th Sector, Phase I, an Eddleman Community, as recorded in Map Book 19, Page 68, in the Probate Office of Shelby County, Alabama.

Mineral and mining rights excepted.

The above property is conveyed subject to:

(i) All valid and enforceable easements, covenants, conditions and restrictions of record, including, without limitation, that certain Declaration of Protective Covenants recorded in Book 194 at Page 254, in the Office of the Judge of Probate of Shelby County, Alabama, as amended by that certain Supplementary Declaration of Protective Covenants of Brook Highland, 11th Sector, as recorded in Instrument No. 1995-01043 the Office of the Judge of Probate of Shelby County, Alabama, (ii) the lien of ad valorem and similar taxes (but not including "rollback" taxes) for 1996 and subsequent years, and (iii) all matters that would be revealed by a current and accurate physical survey of the subject property.

By its acceptance of this deed, Grantee hereby covenants and agrees for itself and its successors, assigns, licensees, lessees, employees and agents that Grantor shall not be liable for, and no action shall be asserted against Grantor for, loss or damage on account of injuries to the Property or to any buildings, improvements, or structures now or hereafter located upon the Property, or on account of injuries to any owner, occupant, or other person in or upon the Property, which are caused by, or arise as a result of, past or future soil and/or subsurface conditions, known or unknown, (including, without limitation, sinkholes, underground mines, and limestone formations) under or on the Property or any other property now or hereafter owned by Grantor, whether contiguous or non-contiguous to the Property. For purposes of this paragraph the term Grantor shall mean and refer to (i) the partners, agents, and employees of Grantor; (ii) the officers, directors, employees and agents of Grantor or trustees thereof; (iii) any successors or assigns of Grantor; and (iv) any successors and assigns of Grantor's interest in the Property. This covenant

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01/10/1997-00976  
09:49 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 NC3 79.50

CLAYTON T. SWEENEY, ATTORNEY AT LAW

Inst # 1997-00976

and agreement shall run with the land conveyed hereby as against Grantee, and all persons, firms, trusts, partnerships, limited partnerships, corporations, or other entities holding under or through the Grantee.

TO HAVE AND TO HOLD to the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, AmSouth Bank of Alabama (formerly known as AmSouth Bank, N.A.), as Ancillary Trustee for First Union National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio has caused this statutory warranty deed to be executed by its duly authorized officer this 23<sup>rd</sup> day of December, 1996.

GRANTOR:

AMSOUTH BANK OF ALABAMA (formerly known as AMSOUTH BANK, N.A.) as ANCILLARY TRUSTEE for FIRST UNION NATIONAL BANK of NORTH CAROLINA, as TRUSTEE for the PUBLIC EMPLOYEES RETIREMENT SYSTEM of OHIO

BY:

J. Reese Murray, III  
J. Reese Murray, III  
ITS: Vice-President and Trust Officer

BROOK HIGHLAND - 11TH SECTOR  
LOT 1121, 1134 and 1142 - Eddleman Properties, Inc.

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State hereby certify that J. Reese Murray, III, whose name as Vice-President and Trust Officer of AmSouth Bank of Alabama, a state chartered bank (formerly known as AmSouth Bank, N.A., a national banking association), as Ancillary Trustee for First Union National Bank of North Carolina, a national banking association, as Trustee for the Public Employees Retirement System of Ohio, is signed to the foregoing Deed; and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Deed, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said state chartered bank acting in its capacity as Ancillary Trustee as aforesaid.

23<sup>rd</sup> Given under my hand and office seal of office this the day of December, 1996.

[Signature]  
Notary Public

My Commission Expires: 5-25-99

The Grantees execute this deed only to acknowledge and accept all covenants and restrictions contained hereinabove.

EDDLEMAN PROPERTIES, INC.

By:

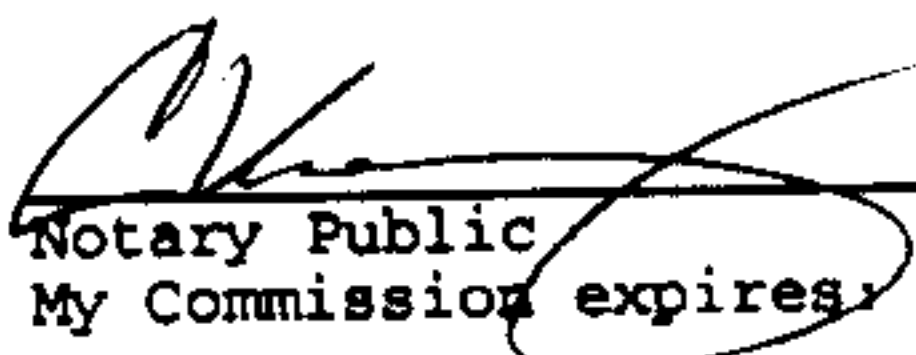
  
Douglas D. Eddleman  
Its President

BROOK HIGHLAND - 11TH SECTOR  
Lot 1121, 1134 and 1142 - Eddleman Properties, Inc.

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Douglas D. Eddleman whose name as President of Eddleman Properties, Inc. is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as such officer and with full authority executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 15<sup>th</sup> day of December, 1996.

  
Notary Public  
My Commission expires 5-29-99

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